

REMARKS

In response to the January 27, 2005 Office Action, Applicants respond to the Examiner's detailed action with the following remarks. Claims 24 – 27 are hereby cancelled without prejudice.

Election/Restrictions

In response to the Examiner's final restriction requirement between Claim 28 and Claims 1 – 27, Applicant has withdrawn Claim 28.

Claim Rejections – 35 USC §112

In response to the Examiner's rejection of Claims 1 – 15 and 18 – 23 under 35 U.S.C. §112, second paragraph, Applicant has amended Claims 1, 4 – 6, 11, 12, 15, 18, and 21 – 23 such that the bodies of the claims correspond to the preambles. Particularly, terms such as "affixed" and "in communication" have been amended to read "fixable" and "communicable," respectively.

Claim Rejections – 35 USC §102

In response to the Examiner's rejection of Claims 1 – 3, 5 – 7, 9, 12, 18 – 21, and 23 under 35 U.S.C. §102(e) as being anticipated by U.S. 6,691,466 (Childress), Applicant respectfully traverses. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Childress teaches a U-shaped reinforcement member that "reinforces the door *within* the door's edge," column 2, lines 14 – 15 (emphasis added). Childress does not teach a reinforcement member that is not concealed within the door's edge. Independent Claims 1 and 18 include the limitation of "a door reinforcing plate fixable to a vertical edge of the door...." The claims are distinctive from Childress because the language "fixable to the edge of the door" indicates that the reinforcing plate will cover the edge of the door, while Childress teaches only a reinforcement member that is embedded within

the edge of the door. The claims are directed to an invention that has the advantage of being easily used to retrofit a door with a reinforcing plate whereas Childress requires that a door be modified in order to embed the reinforcing member in the edge.

Embedding the reinforcing member makes a retrofitting operation exceedingly difficult and impossible in certain cases. Further, the claimed invention may be applied to a door made of substantially any material, including steel and other metals. Childress is limited to primarily wood doors, as stated by Childress in lines 65 and 66 of column 2.

Childress's reinforcing member is especially poorly suited to be applied to a metal door due to the requirement that the member be embedded in the edge. Applicant respectfully submits that Claims 1 and 18 and all claims that depend therefrom are therefore in condition for allowance.

Claim Rejections – 35 USC §103

Responsive to the Examiner's rejection of Claim 4 under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,691,466 (Childress) in view of U.S. 5,031,946 (Yarrow), Applicant respectfully traverses. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 1, from which Claim 4 depends, is distinct from the device taught by Childress for the reasons stated above in the section under the heading, "Claim Rejections – 35 USC §102." Yarrow, teaching a lock guard, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 4 is in condition for allowance.

Responsive to the Examiner's rejection of Claims 8 and 10 under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,691,466 (Childress) in view of U.S. 5,566,509 (Long), Applicant respectfully traverses. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 1, from which Claims 8 and 10 depend, is distinct from the device taught by Childress for the reasons stated above in the section under the heading, "Claim Rejections – 35 USC §102." Long, teaching a steel door jamb reinforcing plate, does not

overcome these deficiencies. Applicant therefore respectfully submits that Claims 8 and 10 are in condition for allowance.

Responsive to the Examiner's rejection of Claims 11 and 22 under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,691,466 (Childress) in view of U.S. 4,752,517 (Beitel), Applicant respectfully traverses. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claims 1 and 18, from which Claims 11 and 22 respectfully depend, are distinct from the device taught by Childress for the reasons stated above in the section under the heading, "Claim Rejections – 35 USC §102." Beitel, teaching end caps that support plastic door panels, does not overcome these deficiencies. Applicant therefore respectfully submits that Claims 11 and 22 are in condition for allowance.

Responsive to the Examiner's rejection of Claim 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,691,466 (Childress) in view of U.S. 5,475,044 (Stein), Applicant respectfully traverses. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 1, from which Claim 13 depends, is distinct from the device taught by Childress for the reasons stated above in the section under the heading, "Claim Rejections – 35 USC §102." Stein, teaching a silicone adhesive, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 13 is in condition for allowance.

Responsive to the Examiner's rejection of Claim 14 under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,691,466 (Childress) in view of U.S. 5,070,650 (Anderson), Applicant respectfully traverses. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 1, from which Claim 14 depends, is distinct from the device taught by Childress for the reasons stated above in the section under the heading, "Claim Rejections – 35 USC §102." Anderson, teaching a door jamb reinforcing plate, does not overcome

these deficiencies. Applicant therefore respectfully submits that Claim 14 is in condition for allowance.

Responsive to the Examiner's rejection of Claim 15 under 35 U.S.C. 103(a) as being unpatentable over U.S. 6,691,466 (Childress) in view of U.S. 5,737,878 (Raulerson, et al.), Applicant respectfully traverses. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 1, from which Claim 15 depends, is distinct from the device taught by Childress for the reasons stated above in the section under the heading, "Claim Rejections – 35 USC §102." Raulerson, et al., teaching a door frame guard device, does not overcome these deficiencies. Applicant therefore respectfully submits that Claim 15 is in condition for allowance.

The remaining art of record has been considered and while analogous does not render obvious the invention as now claimed whether viewed singly or in combination.

Applicants appreciate the opportunity to call the Examiner but believe that this amendment to the claims and the forgoing remarks fully address the issues raised by the Examiner. On the other hand, the Examiner is invited to call the undersigned attorney if he has any matters to address that will facilitate allowance of the application.

Applicants respectfully request favorable consideration and that a timely Notice of Allowance be issued in this case.

In the event that Applicant has overlooked the need for an extension of time, additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefore and authorize that any changes be made to Deposit Account No.: 50-3010.

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Respectfully submitted,

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